

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (CGM)

SIPA Liquidation
(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, TRUSTEE FOR THE
LIQUIDATION OF BERNARD L. MADOFF
INVESTMENT SECURITIES LLC, AND
BERNARD L. MADOFF,

Plaintiff,

v.

DELTA NATIONAL BANK AND TRUST
COMPANY,

Defendant.

Adv. Pro. No. 11-02551 (CGM)

ORAL ARGUMENT REQUESTED

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Delta National Bank and Trust's ("Delta Bank") Motion to Dismiss Plaintiff Irving H. Picard's Complaint, Delta Bank respectfully moves this Court for an order dismissing

with prejudice the Complaint [Adv. Pro. Dkt. No. 1] filed by Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff, pursuant to Rule 8(a)(2) and Rule 12(b)(6) of the Federal Rules of Civil Procedure, as applicable pursuant to Rules 7008 and 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order dated January 19, 2022 [Adv. Pro. Dkt. No. 96] (the “Stipulation”), any answering papers are to be filed upon the undersigned by June 24, 2022, and Delta Bank’s reply papers in further support of the motion are to be filed by July 25, 2022.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation, the parties shall seek oral argument following the filing of this motion.

Dated: April 29, 2022

Respectfully submitted,

/s/ James L. Bromley

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Company*